



OFFICE OF CHIEF COUNSEL  
*Kansas Department Of Transportation*

779-S, Docking State Office Building  
915 SW Harrison  
Topeka, Kansas 66612-1568  
(913) 296-3831 TTY (913) 296-3585  
FAX (913) 296-0119

GOVERNOR  
Bill Graves  
SECRETARY OF TRANSPORTATION  
E. Dean Carlson

CHIEF COUNSEL  
Michael B. Rees  
FIRST ASSISTANT  
John W. Strahan

FCC MAIL ROOM

November 30, 1995

DOCKET FILE COPY ORIGINAL

Federal Communications Commission  
Washington, D.C. 20544

Commission:

RE: Notice of Proposed Rule Making Regarding a Plan for Sharing  
the Costs of Microwave Relocation.

ATTENTION: Linda Kinney, Attorney--Wireless Telecommunications  
Bureau

Attached is the State of Kansas's comments provided by the  
Department of Transportation to the FCC Amendment to the  
Commissions' Rules regarding a plan for sharing the costs of  
microwave relocation.

If you have any questions regarding these comments, please contact  
either Leslie Spencer Fowler at 913-296-8031 or David Ruder, at  
913-296-3831.

Thank you for your assistance. The State of Kansas is very  
interested in this Proposed Rule Making as it will effect our  
ability to operate as a public safety incumbent.

Sincerely,

Leslie Spencer Fowler

cc: Mike Rees, Chief Counsel

No. of Copies rec'd  
List ABCDE

THE STATE OF KANSAS COMMENTS  
FOR SHARING THE COSTS OF MICROWAVE RELOCATION  
FCC 95-426, WT DOCKET NO. 95-157

Section 37: Actual relocation cost should also include equipment shelters to house the facilities listed in Section 37.

Section 71: The State of Kansas supports Southwestern Bell's position that a comparable system should have the following components: "the existing channel capacity of the relocated path, the same reliability as the relocated path, the same growth potential in terms of ability to expand the capacity of that path in the new spectrum, and the ability for backup if the existing facility already provides redundancy." The State of Kansas urges the commission to adopt the components as stated by Southwestern Bell as elements of comparable system.

Section 73 and 74: The State of Kansas, as a Public Safety incumbent, urges the Commission to adopt guidelines to give highest priority to public safety incumbents for the most reliable frequency in the relocated path.

Section 75. The State of Kansas, as a Public Safety incumbent, urges the Commission to eliminate "trading-off" system parameters as an element of negotiation by a PCS with a public safety incumbent. The "trading-off" system parameters is intolerable to protection of life and property by a public safety incumbent. It jeopardizes the public by compromising the communication capability of the incumbent.

Section 77: The State of Kansas urges the Commission to require PCS to remedy problems if the upgraded system does not function properly. The PCS should remedy the problem within 24 hours for the system wide failure and within two weeks for minor problems.

The State of Kansas urges the Commission not use depreciation of equipment and facilities as part of the comparable facility equation this would only increase conflicts and prolong negotiations.

Section 83 and 84: The State of Kansas feels there needs to be more clarification on how the twelve-month period will run. If a problem is cured during the twelve-month period, does the time continue to run from the original date, or does the time start again to give the incumbent twelve months to make sure the problem no longer exists. If a problem is reported during the twelve month period, but not cured during that time, is the PCS licensee still obligated to remedy the problem after the twelve month period.

Section 85: The State of Kansas urges the Commission not to require a public safety incumbent to surrender its license at any time until it has been successfully relocated.